United States District Court Southern District of Texas

## **ENTERED**

April 09, 2021 Nathan Ochsner, Clerk

## UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF TEXAS MCALLEN DIVISION

UNITED STATES OF AMERICA,	§	
	§	
Plaintiff,	§	
	§	
VS.	§	
	§	CIVIL ACTION NO. 7:20-cv-00434
0.5467 ACRES OF LAND, more or less, in	§	
STARR COUNTY, TEXAS; and JUAN	§	
INDALECIO GARCIA,	§	
	§	
Defendants.	§	

## **ORDER**

The Court now considers the parties' "Joint Motion for Order Establishing Just Compensation, Confirming Possession, and Distributing Funds on Deposit in the Registry of the Court for Tracts RGV-RGC-T2003E-1 and RGV-RGC-T2003E-2."

The United States commenced this eminent domain case under the Declaration of Taking Act<sup>2</sup> on December 28, 2020, with a complaint, declaration, and notice<sup>3</sup> to obtain one temporary 4-year access and utility easement over Tract RGV-RGC-T2003E-1, which comprises 0.1429 acres, and one temporary tower easement over Tract RGV-RGC-T2003E-2, which comprises 0.4038 acres. The two tracts are located in Starr County, Texas, and are further described in the United States' schedules attached to the complaint by metes and bounds and by depiction on a map.<sup>4</sup> The United States initially designated only two interested party Defendants,<sup>5</sup> one of which was the Starr County Tax Assessor-Collector who subsequently disclaimed her interest and was

<sup>&</sup>lt;sup>1</sup> Dkt. No. 15.

<sup>&</sup>lt;sup>2</sup> 40 U.S.C. §§ 3111–18.

<sup>&</sup>lt;sup>3</sup> See Dkt. Nos. 1–3.

<sup>&</sup>lt;sup>4</sup> Dkt. No. 1-1 at 6–12.

<sup>&</sup>lt;sup>5</sup> Dkt. No. 1-1 at 18.

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dismissed.<sup>6</sup> The United States accomplished regular service on the only other Defendant. landowner Juan Indalecio Garcia, but he did not appear or answer. On March 24, 2021, pursuant to Federal Rule of Civil Procedure 71.1(j)(1) and 40 U.S.C. § 3114(b), the United States

deposited \$750, its estimated amount of just compensation, in the registry of the Court.<sup>8</sup>

In the instant joint motion, the United States and Defendant Garcia, via his attorney Gregory P. Kerr, seek to memorialize and effectuate their agreement on the possession of the subject properties, the amount and disbursement of just compensation for the takings, and to terminate this case. <sup>9</sup> The Court finds good cause in the parties' settlement agreement to conclude this case and GRANTS the joint motion<sup>10</sup> upon the terms that appear in the Court's final judgment. Upon entry of the final judgment, this case will terminate.

IT IS SO ORDERED.

DONE at McAllen, Texas, this 9th day of April 2021.

Micaela Alvarez United States District Judge

<sup>&</sup>lt;sup>6</sup> Dkt. Nos. 8, 10.

<sup>&</sup>lt;sup>7</sup> Dkt. No. 9.

<sup>&</sup>lt;sup>8</sup> Dkt. No. 14.

<sup>&</sup>lt;sup>9</sup> Dkt. No. 15.

<sup>&</sup>lt;sup>10</sup> *Id*.